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3

ATTORNEY DOCKET NO. 50P4536.01

## DECLARATION AND POWER OF ATTORNEY FOR NEW PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled System and Method for Overrun Catch-up in a Real Time Software Encoder

the specification of which:

[ ] is attached hereto.

[X] was filed on December 11, 2001 as serial no. 10/014,733  
and was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a Filing date before that the application on which priority is claimed.

Foreign Application(s), if any, for Patent or Inventor's Certificate Filed Within 12 Months Prior to the Filing Date of This Application:

<u>Country</u>	<u>Application No.</u>	<u>Date of Filing (day, month, year)</u>	<u>Priority Claimed Under 35 U.S.C. §119</u>
_____	_____	_____	[ ] YES [ ] NO
_____	_____	_____	[ ] YES [ ] NO
_____	_____	_____	[ ] YES [ ] NO

All Foreign Applications, if any, for Patent or Inventor's Certificate Filed More Than 12 Month's Prior to the Filing Date of This Application:

<u>Country</u>	<u>Application No.</u>	<u>Date of Filing</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Page 2**

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s)**

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Claimed</u>
_____	_____	_____	<u>Yes</u> <u>No</u>
_____	_____	_____	<u>Yes</u> <u>No</u>

I hereby claim the benefit under Title 35, United States Code, §119 of any United States provisional application(s) listed below.

<u>U.S. Provisional Application Number</u>	<u>Filing Date</u>
_____	_____
_____	_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the Filing date of the prior application and the national or PCT international Filing date of this application.

<u>Application</u> <u>Serial No.</u>	<u>Date of Filing</u>	<u>Status</u> <u>(patented, pending abandoned</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Harold T. Fujii, Reg. No. 38,458  
Frederick J. Zustak, U.S. Reg. No. 36,728  
Milton M. Frazier, Reg. No. 44,687  
Ronald C. Card, Reg. No. 44,587  
Aditya Krishnan, Reg. No. 41,531

Assignment  
Page 2

Jason N. Wang  
Name of second inventor

Execution date of U.S. Patent Application

1238 Oregold Place, San Jose, CA 95131  
Residence of second inventor

*Jason Wang*

2/06/02

Signature of second inventor

Date of this assignment

STATE OF \_\_\_\_\_ ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of \_\_\_\_\_, before me, the undersigned notary public, personally appeared the above-named assignors, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged execution of this instrument.

Notary Public

Klaus Zimmermann  
Name of third inventor

Execution date of U.S. Patent Application

1700 North First Street #243, San Jose, CA 95112-6747  
Residence of third inventor

KIRCHSTR. 134, 73779 DEIBISCHAU, GERMANY

*Klaus Zimmermann*  
Signature of third inventor

Mar 17, 2002  
Date of this assignment



COPY OF PAPERS  
ORIGINALLY FILED

Docket No. 50P4536.01

## ASSIGNMENT RECORDATION COVER SHEET

To the Commissioner for Patents. Please record the attached original documents or copies thereof.

1. Name of conveying party(ies):

Ikue Tsukagoshi; Jason N. Wang; Klaus Zimmermann; Masahito Yamane

Additional names attached?  NO  YES

2. Name and address of receiving party(ies):

Sony Corporation	Sony Electronics Inc.
7-35 Kitashinagawa 6-Chome	1 Sony Drive
Shinagawa-Ku	Park Ridge, New Jersey
Tokyo, Japan	07656

Additional names and addresses attached?  NO  YES

3. Nature of Conveyance:

Assignment  Security Agreement  Merger  
 Change of Name  Other \_\_\_\_\_

**Execution Date: 2/6/02; 5/7/02; 5/17/02**

4. Application number(s) or patent number(s): 10/014,733

If this document is being filed together with a new application, the **execution date of the application is:** \_\_\_\_\_

A. Patent application numbers:

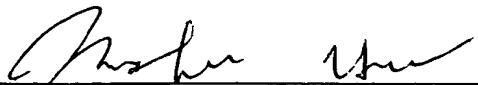
B. Patent numbers:

Additional numbers attached?  NO  YES

5. Name and address of party to whom correspondence concerning document should be mailed:

Sony Electronics Inc.  
Intellectual Property Dept., MZ 7190  
16450 West Bernardo Drive  
San Diego, CA 92127-1898  
(858) 942-2897 FAX # (858) 942-7120

Page 4



5/7/02

Inventor's signature

Date

Masahito Yamane

Name of fourth inventor 1-6-11-503, Tsuchi hashi, Miyama-ku, Kawasaki, Kanagawa, 216-00175, Japan

JAPAN

570 Elan Village Lane, #207, San Jose, CA 95134

Residence

Citizenship

Post Office Address

Page 3

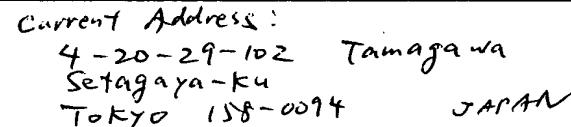
Send Correspondence and direct telephone calls to:

Sony Electronics Inc.  
 16450 West Bernardo Drive, MZ 7190  
 San Diego, CA 92127-1898  
 Telephone: (408) 955-6331  
 Fax: (408) 955-5490

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the U. S. Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's signature  Date 5/7/2002

Name of sole or first inventor Ikuo Tsukagoshi 5/7/02 **JAPAN**  
 Residence

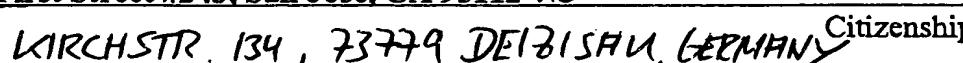
Post Office Address  Current Address: 4-20-29-102 Tamagawa  
 Setagaya-ku  
 Tokyo 158-0014 JAPAN

Inventor's signature  Date 2/06/02

Name of second inventor Jason N. Wang **P.R. CHINA**  
 Residence

Post Office Address

 Date MAY 17, 2002

Inventor's signature **GERMAN**  
Klaus Zimmermann  
 Name of third inventor  
1700 North First Street #243, San Jose, CA 95112-1172  
 Residence  Citizenship

Post Office Address

Assignment  
Page 3

**Masahito Yamane**

Name of fourth inventor 1-6-11-503 Tsuchihashi, Miyamae-ku, Kawasaki, Kanagawa, 216-0005, Japan  
Residence of fourth inventor 370 Elan Village Lane #207, San Jose, CA 95134

Execution date of U.S. Patent Application

Residence of fourth inventor

Signature of fourth inventor

05/07/02

Date of this assignment

STATE OF \_\_\_\_\_ ss.  
COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of \_\_\_\_\_, before me, the undersigned notary public, personally appeared the above-named assignors, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged execution of this instrument.

Notary Public

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

Enclosed

Authorized to charge to deposit account.

Charge any additional fees required to deposit account.

8. Deposit Account Number: 19-3195

9. Statement and signature:

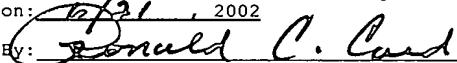
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

  
Ronald C. Card

  
Signature

6/21/02  
Date

Total number of pages including cover sheet: 5

<b>CERTIFICATE OF MAILING</b>	
I hereby certify that this document and any document referenced herein is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on: <u>6/21/2002</u>	
By:	 Ronald C. Card, Reg. No. 44,587

Docket No. 50P4536.01

## ASSIGNMENT

WHEREAS, I, as a below named inventor, residing at the address stated next to my name, am a sole inventor (if only one name is listed below) or a joint inventor (if plural names are listed below) of certain new and useful improvements in System and Method for Overrun Catch-up in a Real-time Software Encoder for which application for Letters Patent of the United States of America was executed by me on the date indicated next to my name and address;

AND WHEREAS, Sony Corporation, a Japanese corporation with offices at 7-35 Kitashinagawa 6-Chome, Shinagawa-Ku, Tokyo, Japan and Sony Electronics Inc. a Delaware corporation with offices at 1 Sony Drive, Park Ridge, New Jersey 07656 (hereinafter referenced as ASSIGNEES) is desirous of acquiring all interest in, to and under said invention, said application disclosing the invention and in, to and under any Letters Patent or similar legal protection which may be granted therefor in the United States and in any and all foreign countries;

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, I, as a sole or joint inventor as indicated below, by these presents do hereby assign, sell and transfer unto the said ASSIGNEES, its successors, assigns, and legal representatives, the entire right, title and interest in the said invention, said application, including any divisions and continuations thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said invention, and in and to any and all priority rights and/or convention rights under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and to any other benefits accruing or to accrue to me with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, and I hereby authorize and request the Commissioner of Patents to issue the said United States Letters Patent to said ASSIGNEES, as the assignees of the whole right, title and interest thereto;

And I further agree to execute all necessary or desirable and lawful future documents, including assignments in favor of ASSIGNEES or its designee, as ASSIGNEES or its successors, assigns and legal representatives may from time-to-time present to me and without further remuneration, in order to perfect title in said invention, modifications, and improvements in said invention, applications and Letters Patent of the United States and countries foreign thereto;

And I further agree to properly execute and deliver and without further remuneration, such necessary or desirable and lawful papers for application for foreign patents, for filing subdivisions of said application for patent, and or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid invention, as the ASSIGNEES thereof shall hereafter require and prepare at its own expense;

And I further agree that ASSIGNEES will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in foreign countries as may be known and accessible to me and will testify as to the same in any interference or litigation related thereto;

And I hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale;

And I hereby authorize and request my attorney(s) of record in this application to insert the execution date, serial number and filing date of this application in the spaces that follow: Serial Number: 10/014,733, Filing Date: December 11, 2001.

This assignment executed on the dates indicated below.

Ikuro Tsukagoshi

Name of first inventor

Execution date of U.S. Patent Application

718 Old San Francisco Road #327, Sunnyvale, CA 94086

Residence of first or sole inventor

5/17/2002

Signature of first or sole inventor

Current Address:

4-20-29-102 Tamagawa  
Setagaya-ku  
Tokyo 158-0094  
JAPAN

STATE OF \_\_\_\_\_ ss.  
 COUNTY OF \_\_\_\_\_

Date of this assignment

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of \_\_\_\_\_, before me, the undersigned notary public, personally appeared the above-named assignors, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged execution of this instrument.

Notary Public

ASSIGN-NOTARY-SEL 09/25/97